

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments make two changes to policy for Medicaid eligibility for employed persons with disabilities:

- Substitution of the phrase “before the next eligibility review” for the phrase “the 12-month period” in the discussion of when and how the monthly premium amount is set. This text change is intended to clarify that the premium may not be increased due to an increase in the member’s income before the next annual review of the member’s eligibility.
- Addition of a requirement for a member to submit a specific form when the member has reported that employment has stopped. The form will provide a standard procedure for informing the member of the responsibility to seek new employment and of the six-month limit on continued benefits when a member’s employment has stopped. Quality control reviews have identified this area as error-prone.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on April 21, 2010, as **ARC 8705B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on June 9, 2010.

These amendments are intended to implement Iowa Code section 249A.3(2)(a).

These amendments shall become effective on September 1, 2010.

The following amendments are adopted.

ITEM 1. Amend subparagraph **75.1(39)“b”(1)** as follows:

(1) Beginning with the month of application, the monthly premium amount shall be established ~~for a 12-month period~~ based on projected average monthly income ~~for the 12-month period~~. The monthly premium established shall not be increased for any reason ~~during the 12-month period~~ before the next eligibility review. The premium shall not be reduced due to a change in the federal poverty level but may be reduced or eliminated prospectively ~~during the 12-month period~~ before the next eligibility review if a reduction in projected average monthly income is verified.

ITEM 2. Amend paragraph **75.1(39)“c”** as follows:

c. ~~Persons receiving assistance under~~ Members in this coverage group who become unable to work due to a change in their medical condition or who lose employment shall remain eligible for a period of six months from the month of the change in their medical condition or loss of employment as long as they intend to return to work and continue to meet all other eligibility criteria under this subrule. Members shall submit Form 470-4856, MEPD Intent to Return to Work, to report on the end of their employment and their intent to return to employment.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/30/10.